

UNITED STATES BANKRUPTCY COURT
Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

In re: William Terence Yancy and Elizabeth Ann Yancy **Case No.: 11-45171**
Debtor(s):

William Terence Yancy – See below for reported

alias information xxx-xx-3855

Elizabeth Ann Yancy – See below for reported

alias information xxx-xx-6232

CHAPTER 13

PRE-CONFIRMATION ORDER AND NOTICE OF DISMISSAL

TO: ALL CREDITORS AND PARTIES IN INTEREST

PLEASE TAKE NOTE: THIS CASE IS BEFORE THE COURT FOR DISMISSAL FOR THE REASON(S) IDENTIFIED BY BELOW.

The Debtor(s):

- moved to dismiss this case in accordance with 11 U.S.C. § 1307(b).
- failed to file a Chapter 13 Plan; one or more Schedules and/or Statement of Affairs; a Matrix and/or Verification of Matrix in the proper form and within the time permitted; a Statement of Current Monthly Income/Disposable Income Calculation Form (B22); a Credit Counseling Certificate, a Certification of Exigent Circumstances, or a Motion for Exemption from Credit Counseling under § 109(h)(4); or Debtor(s) failed to provide Social Security Number or B21 Form(s) within the time permitted; Debtor's attorney failed to file a Rule 2016(b) Disclosure of Compensation; and/or . The Court advised the Debtor(s) and Debtor's attorney that failure to file these documents properly within the time specified would result in dismissal of the case.
- failed to appear at the meeting of creditors and failed to obtain the Chapter 13 Trustee's consent to a further continued date. The Chapter 13 Trustee has certified that he notified the Debtor(s) that failure to appear at the continued hearing would result in dismissal of the case.
- failed to provide tax documents to the Trustee in accordance with §521(e)(2)(B) and orders of this Court; and/or payment advices to the Trustee in accordance with the § 521(a)(1)(B)(iv) and orders of this Court.
- failed to pay the appropriate filing fee; failed to file a proper Application to Pay Filing Fees in Installments at the time the petition was filed or within such additional time allowed, LR 1002 A.; or failed to pay the filing fee on the terms set forth in the Order Approving Installment Fee Application previously entered in this case.

The Chapter 13 Trustee:

- moved in writing or at a hearing, orally requested dismissal of this case in accordance with 11 U.S.C. § 1307(c)(1) for unreasonable delay; § 1307(c)(2) for nonpayment of fees under chapter 123 of title 28; § 1307(c)(4) for failure to commence making plan payments; § 1307(c)(5) for denial of confirmation of a plan and denial of request for additional time for filing another plan or modification; § 1307(c)(11) for failure to pay domestic support obligations; § 1307(e) for failure to file taxes required under § 1308; for abuse of the bankruptcy process; and/or for Debtor(s)' failure to comply with a Court order, and after notice and hearing;

A Party in Interest

other than the Chapter 13 Trustee, moved to dismiss this case for cause in accordance with 11 U.S.C. § 1307(c); for failure to comply with a Court order; for failure to provide tax documents in accordance with § 521(e)(2)(C) and orders of this Court, for failure to pay any domestic support obligations that first became payable after the date of the filing of the petition in accordance with § 1307(c)(11); and/or for other abuse of the bankruptcy process, as more fully stated in the written motion, and after notice and hearing;

The Missouri Department of Revenue

moved to dismiss this case in accordance with 11 U.S.C. § 1307(c)(1) for unreasonable delay in filing tax return(s), and the Debtor(s) have failed to respond to the motion, or after notice and hearing;

The Court

on its own motion or show cause, moved to dismiss this case under 11 U.S.C. § 105(a) for failure to comply with a Court order and/or for abuse of the bankruptcy process.

Other Reason(s) for Dismissal:

The Debtor is ineligible because this case was filed within 180 days of the Order of Dismissal of Case Number 11-42577A399, which dismissal order prohibited refiling for 180 days.

ACCORDINGLY,

IT IS ORDERED for the reasons set forth in the motion or on the record at hearing, if any, the Motion to Dismiss identified in this Order and Notice is **GRANTED**, and this Chapter 13 case is **DISMISSED** prior to entry of an order of discharge.

IT IS FURTHER ORDERED Debtor(s)' employer(s) is/are directed to cease withholding from Debtor(s)' wages in respect to this Chapter 13 case, and this Court's Order to Deduct from Wages or Other Income is hereby terminated.

IT IS FURTHER ORDERED ANY PARTY OTHER THAN THE CHAPTER 13 TRUSTEE, WHO SEEKS PAYMENT FOR ANY CLAIM UNDER 11 U.S.C. § 503(b), SHALL HAVE 14 DAYS FROM THE DATE OF THIS ORDER WITHIN WHICH TO FILE AN APPLICATION FOR ALLOWANCE OF AN ADMINISTRATIVE EXPENSE CLAIM. Any party seeking payment shall serve such application on the Debtor(s) and Chapter 13 Trustee. Compensation to the Chapter 13 Trustee and payment of fees due this Court shall be awarded as specified herein without application.

IT IS FURTHER ORDERED Any application for payment of attorneys' fees by counsel who have elected the flat fee option must include: (1) a general description of the services performed and the amount of fees and costs requested (detailed time entries are not required); (2) the case number, chapter, and date of filing for all prior cases filed by the Debtor(s); and (3) a statement explaining the reason for dismissal of any case filed within three years of the date of this case.

IT IS FURTHER ORDERED that John V. LaBarge, Jr., the Chapter 13 Trustee, shall pay (1) the unpaid portion, if any, of the filing fee due the Court for this case, and then shall pay pro rata: (2) \$100.00 to the Chapter 13 Trustee as compensation for services and expenses; and (3) other claims allowed under 11 U.S.C. § 503(b). After paying such claims, the Trustee is directed to return any remaining funds to the Debtor(s) or as otherwise may be ordered. Any pre-confirmation disbursements made by the Chapter 13 Trustee prior to the entry of this Order are allowed and approved by the Court.

- IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(1) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of entry of this order pursuant to In re Montgomery, 37 F.3d 413 (8th Cir. 1994).
- IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(2) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of entry of this order.
- IT IS FURTHER ORDERED** that this case is dismissed with prejudice under 11 U.S.C. §105(a) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of entry of this order.
- IT IS FURTHER ORDERED** that since the Debtor(s) owe(s) \$274.00 for the filing fee in this case, the Debtor(s) **MUST PAY THIS AMOUNT TO THE COURT WITHIN FIVE BUSINESS DAYS OF THIS ORDER**. If the Debtor(s) fail(s) to pay the amount owed to the Court within five business days, the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of dismissal. If the Debtor(s) file(s) a subsequent bankruptcy case while prior filing fees remain outstanding, the Court will ordinarily deny any Application to Pay Filing Fees in Installments in the subsequent case.

IT IS FURTHER ORDERED that the automatic stays of 11 U.S.C. § 362 are hereby terminated, AND ANY MATTERS NOT PREVIOUSLY DISPOSED OF ARE DENIED AS MOOT ON THE FILING OF THE CHAPTER 13 TRUSTEE'S FINAL REPORT. The Chapter 13 Trustee is directed to promptly file his final report and upon so doing is discharged as Trustee and is relieved of and discharged from his bond.

Dated: 5/19/11



U.S.Bankruptcy Judge

Reported Alias Information:

William Terence Yancy –
Elizabeth Ann Yancy –

Rev. 03/10

United States Bankruptcy Court
Eastern District of Missouri

In re:
William Terence Yancy
Elizabeth Ann Yancy
Debtors

Case No. 11-45171-bss
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0865-4

User: mccj
Form ID: preconfo

Page 1 of 2
Total Noticed: 32

Date Rcvd: May 19, 2011

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 21, 2011.

db/db +William Terence Yancy, Elizabeth Ann Yancy, 551 Calumet Ranch Trail,
St Peters, MO 63376-3768
8496910 +ADV RECOVERY, 1060AKBROOK COURT, BRANDON, MS 39047-7606
8496911 +AMS SERV LLC, 3374 WALDEN AVE ST ATTN CUSTOMER SERV, DEPEW, NY 14043-2437
8496912 +AT&T, P.O. Box 3910, Tupelo, MS 38803-3910
8496913 Bounce Busters, 323 Hwy K, #503, O Fallon, MO 63368
8496914 Budget Credit Inc, 13165 71 Hwy, Grandview, MO 64030
8496917 +Citi, P.O. Box 0649, Carol Stream, IL 60132-0001
8496918 +City and Village Tax Office, 3 Hollenberg Court, Bridgeton, MO 63044-2492
8496919 Collector of Revenue, 21 N. Second Street, Ste. 134, Saint Charles, MO 63301
8496921 +Dr. Roy D. Bedrock, 2747 W. clay, Suite B/C, Saint Charles, MO 63301-2557
8496925 +LOU FUSZ MOT, 10950 PAGE AVE, SAINT LOUIS, MO 63132-1020
8496927 +N.A.R. INC, 10 W BROADWAY STE 610, SALT LAKE CITY, UT 84101-2041
8496928 +NCO, P.O. Box 15740, Wilmington, DE 19850-5740
8496930 +NYS HIGHER ED SERVICES, 99 WASHINGTON AVE, ALBANY, NY 12210-2822
8496931 +Payday loan yes, 4001 South 700, East #500, Salt Lake City, UT 84107-2523
8496932 +Platinum protection, 580 S. State St., Orem, UT 84058-6369
8496933 +Quest Diagnostics, P.O. Box 740698, Cincinnati, OH 45274-0698
8496934 +Rainbow Loan, 802 S. Florissant, Saint Louis, MO 63135-3253
8496935 Sandberg, Phoenix, First City Centre, 15th Floor, Saint Louis, MO 63101
8496936 +South and Assoc., 800 Market St, Ste 1600, Saint Louis, MO 63101-2502
8496937 +St. Charles Clinic, P.O.Box 795100, Saint Louis, MO 63179-0700
8496938 +St. Dominic Hospital, P.O. Bix 24056, Jackson, MS 39225-4056
8496939 +United cash loan, 2533 N Carson St. Ste. 502, Carson City, NV 89706-0242
8496941 +WILLIAM W SIEGEL ASSOC, 7 PENN PLZ, NEW YORK, NY 10001-3967

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

8496916 +EDI: CHASE.COM May 19 2011 22:58:00 CHASE, 201 N WALNUT ST # DE1-10,
WILMINGTON, DE 19801-2920
8496915 +E-mail/Text: opsqa_usbankruptcy@cashnetusa.com May 19 2011 22:59:40 Cash net USA,
200 West Jackson St., Ste 1400, Chicago, IL 60606-6929
8496920 +EDI: SALMAEDEPTEDUC.COM May 19 2011 22:58:00 DEPT OF ED/SALLIE MAE, PO BOX 9635,
WILKES BARRE, PA 18773-9635
8496923 +EDI: HFC.COM May 19 2011 22:58:00 Hsbc Bank, P.O. Box 5253, Carol Stream, IL 60197-5253
8496924 EDI: IRS.COM May 19 2011 22:58:00 IRS, Insolvency, P.O. Box 66778, Stop 5334STL,
St. Louis, MO 63166
8496926 E-mail/Text: ecfnotices@dor.mo.gov May 19 2011 22:59:39 Missouri Department of Revenue,
Bankruptcy Unit, P.O. Box 475, 301 W. High Street, Jefferson City, MO 65105-0475
8496929 +E-mail/Text: TSWINGER@NEIGHBORSCU.ORG May 19 2011 22:59:29 NEIGHBORS CREDIT UNION,
6300 S LINDBERGH BLVD, SAINT LOUIS, MO 63123-7804
8496940 +Fax: 800-291-1428 May 20 2011 00:55:46 United Cash Loan, 3531 P St. NW,
Miami, OK 74354-1904

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
8496922 GEMB/WALM

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0865-4

User: mccj
Form ID: preconfo

Page 2 of 2
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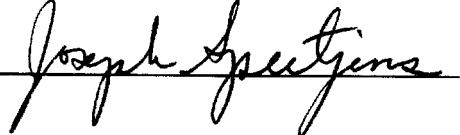
***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 21, 2011

Signature:

A handwritten signature in black ink, appearing to read "Joseph Speetjens", is written over a horizontal line.